



IPW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Fumiaki MIYAHARA et al.

Group Art Unit: 2817

Application No.: 10/614,975

Examiner: J. Chang

Filed: July 9, 2003

Docket No.: 116468

For: OSCILLATION CIRCUIT, ELECTRONIC APPARATUS AND TIMEPIECE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the October 1, 2004 Election of Species Requirement, Applicants provisionally elect Species II, Figures 4, 5A-5D and 12A-12D, with traverse. At least claims 1, 5 and 10-16 read on Species II, and at least claim 1 is generic to all species, as all of the alleged species require aspects of (and depend from) these claims.

It is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants further traverse the election of species requirement on the grounds that the generic claim is not so broad as to place an undue burden on the Patent Office to search and examine the full scope of the claims. Rather, Applicants respectfully assert that search and examination of the entire application could be conducted without undue burden on the Examiner, thus avoiding delay and expense to Applicants.

Applicants further understand, however, that upon search, examination and allowance of a generic claim, search and examination will continue as to the non-elected species within the scope of generic claims.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,

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JAO:LL/hs

Date: November 1, 2004

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